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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,827	11/05/2003	Benjamin Baudry	Q103140	7053
23373 7590 10/05/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER FORD, GRANT M	
			ART UNIT	PAPER NUMBER
			2141	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/701,827	Applicant(s) BAUDRY ET AL.	
	Examiner Grant Ford	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2-2-04, 2-17-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Amendments

2. The Examiner notes that Applicant's listing of the claims filed 3/23/2004 has not been entered as it fails to comply with 37 C.F.R. 1.121. For purposes of Examination, the Examiner has examined the claims entered by the preliminary amendment to the claims filed 11/05/2003.

Claim Objections

3. Claims 7,9,16,and 18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 7,9,16,and 18 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 1 recites the limitation "the part". There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the sequence". There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests changing "the sequence" to "the sequence of blocks".

Claim 2 recites the limitation "the sequence". There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests changing "the sequence" to "the sequence of blocks".

Claim 3 recites the limitation "the repetition". There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the said block". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the said N blocks". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the duration". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the said N blocks". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the time intervals". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the possible activation". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the said first block". There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the dispatching". There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the sequence". There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the part". There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the sequence". There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "said N blocks". There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the duration". There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the said N blocks". There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the time intervals". There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the possible activation". There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the receipt". There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the dispatching". There is insufficient antecedent basis for this limitation in the claim.

6. The term "substantially" in claims 5 and 14 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6,8,10-15,and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Johansson et al. (WO 00/49761), hereinafter referred to as Johansson.

a. As per claim 1, Johansson discloses a method of transmitting data in acknowledged mode between a sending unit and a receiving unit, in which the sending unit sends the receiving unit a sequence of blocks each comprising a header and data to be transmitted, and in which the header of each block comprises an acknowledgement control field activated intermittently by the sending unit so as to

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request an acknowledgement of blocks on the part of the receiving unit, the method comprising the following steps:

/a/ the acknowledgement control field for some blocks of the sequence is activated in accordance with a predetermined triggering mode (Page 2 lines 1-14, Page 8 lines 8-17); and

/b/ the activation of the acknowledgement control field is repeated for at least one block of the sequence that was sent after a block where the acknowledgement control field has been activated in step /a/ (Page 5 line 25 through Page 6 line 12, Page 11 lines 5-15).

b. As per claim 2, Johansson discloses wherein step /a/ comprises the activation at regular time intervals of the acknowledgement control field for blocks of the sequence (Page 9 line 22 through Page 10 line 22).

c. As per claim 3, Johansson discloses wherein step /b/ comprises the repetition of the activation of the acknowledgement control field for N consecutive blocks of the sequence that were sent just after the said block where the acknowledgement control field has been activated in step /a/, N being a number at least equal to 1 (Page 5 line 25 through Page 6 line 2, Page 9 line 9 through Page 10 line 22).

d. As per claim 4, Johansson discloses wherein $N > 1$ and the said N blocks are sent to the receiving unit at regular time intervals (Page 5 line 25 through Page 6 line 2, Page 9 line 9 through Page 10 line 22).

e. As per claim 5, Johansson discloses wherein the duration for which the said N blocks are sent is substantially shorter than the time intervals between the

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sendings of blocks where the acknowledgement control field is activated in step /a/
(Page 9 line 9 through Page 10 line 3).

f. As per claim 6, Johansson discloses wherein the receiving unit is instructed such that after having received a first block of the sequence having the acknowledgement control field activated, it takes no account of the possible activation of the acknowledgement control field for another block of the sequence that was received in a period of predetermined duration after the said first block (Page 5 lines 22-24, Page 10 lines 12-22, Page 11 lines 5-15).

g. As per claim 8, Johansson discloses wherein the receiving unit is instructed such that after having returned acknowledgement information in response to the receipt of a first block of the sequence having the acknowledgement control field activated, it prohibits the dispatching of acknowledgement information in a period of predetermined duration after the said first block of the sequence (Page 5 lines 22-24, Page 6 lines 8-12, Page 10 lines 12-22).

h. As per claim 10, Johansson discloses a unit for transmitting data in acknowledged mode, comprising means for producing at least one sequence of blocks each comprising data to be transmitted and a header including an acknowledgement control field, means for sending the blocks of the sequence to a receiving unit, and means of intermittent activation of the acknowledgement control field in the header of the blocks of the sequence so as to request an acknowledgement of blocks on the part of the receiving unit, in which the means of intermittent activation comprise first means for activating the acknowledgement control field for some blocks of the sequence in

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accordance with a predetermined triggering mode, and second means for repeating the activation of the acknowledgement control field for at least one block of the sequence that was sent after a block where the acknowledgement control field has been activated by the said first means (Page 2 lines 1-14, Page 5 line 25 though Page 6 line 12, Page 8 lines 8-17, Page 9 line 9 through Page 10 line 22, Page 11 lines 5-15).

i. As per claim 11, Johansson discloses wherein said first means are arranged so as to activate at regular time intervals the acknowledgement control field for blocks of the sequence (Page 9 line 22 through Page 10 line 22).

j. As per claim 12, Johansson discloses wherein said second means are arranged so as to activate the acknowledgement control field of N consecutive blocks of the sequence that were sent just after the said block where the acknowledgement control field has been activated by the said first means, N being a number at least equal to 1 (Page 5 line 25 though Page 6 line 2, Page 9 line 9 through Page 10 line 22).

k. As per claim 13, Johansson discloses wherein $N > 1$ and the said N blocks are sent to the receiving unit at regular time intervals (Page 5 line 25 though Page 6 line 2, Page 9 line 9 through Page 10 line 22).

l. As per claim 14, Johansson discloses wherein the duration for which the said N blocks are sent is substantially shorter than the time intervals between the sendings of blocks where the acknowledgement control field is activated by the said first means (Page 9 line 9 through Page 10 line 3).

m. As per claim 15, Johansson discloses means for instructing the receiving unit in such a way that after having received a first block of the sequence having the

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acknowledgement control field activated, the receiving unit takes no account of the possible activation of the acknowledgement control field for another block of the sequence that was received in a period of predetermined duration after the said first block (Page 5 lines 22-24, Page 10 lines 12-22, Page 11 lines 5-15).

n. As per claim 17, Johansson discloses means for instructing the receiving unit in such a way that after having returned acknowledgement information in response to the receipt of a first block of the sequence having the acknowledgement control field activated, it prohibits the dispatching of acknowledgement information in a period of predetermined duration after the said first block (Page 5 lines 22-24, Page 6 lines 8-12, Page 10 lines 12-22).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grant Ford whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharra can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gmf

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with the first name "Andrew" and last name "Caldwell" clearly distinguishable.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER